

UTAH CODE REFERENCES/PROXY CONSENT STATUTES

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Medical treatment plan, § 75-2-1105. Directive for medical services after injury or illness is incurred.

If the declarant does not have the ability to give current directions concerning his care and treatment, the following persons, as proxy, in the following order of priority if no person in a prior class is available, willing, or competent to act, may make a directive:

1. an attorney-in-fact appointed under § 75-2-1106;
2. any previously appointed legal guardian of the declarant;
3. the person's spouse if not legally separated;
4. the parents or surviving parent;
5. the person's child 18 years of age or older, or if the person has more than one child, by a majority of the children 18 years of age or older who are reasonably available for consultation upon good faith efforts to secure participation of all those children;
6. by the declarant's nearest reasonably available living relative 18 years of age or older if the declarant has no parent or child living;
7. by a legal guardian appointed for the purposes of this section.

Living will, § 75-2-1107. Medical services for terminal persons without a directive.

If a person has no living will, is in a terminal condition or a persistent vegetative state, then the attending physician shall consult with and obtain written concurrence of 1) another physician, and 2) any of the following persons in the following order of priority who is available, willing, and competent to act: a) a legal guardian or the person's spouse; b) a parent; or c) the person's children 18 years of age or older.

EMS directive, § 75-2-1105.5. Emergency medical services-Directive not to resuscitate.

A directive in writing and on a form approved by the Department of Health, shall be signed by the attending physician and the declarant, or if the declarant does not have the ability to give current directions concerning his care and treatment, by the following persons, as proxy, in the following order of priority if no person in a prior class is available, willing, and competent to act: same as above for medical treatment plan.

Organ donation, § 26-28-4. Anatomical gifts by others-Donations or revocations.

Unless a person made an unrevoked refusal to make an anatomical gift, any of the following persons, in order of priority listed, may make an anatomical gift of all or a part of a decedent's body so long as there is no objection to making a gift by a member of the person's class or a prior class:

1. the decedent's spouse;
2. the decedent's adult son or daughter;
3. either of the decedent's parents;
4. the decedent's brother or sister who is 18 years of age or older;
5. the decedent's grandparent; or
6. the decedent's court appointed guardian at the time of the decedent's death.

Consent to health care, § 78-14-5.

(Utah Judicial Code, Chapter 14, Malpractice Actions Against Health Care Providers, or the “Utah Health Care Malpractice Act”)

(4) The following persons are authorized and empowered to consent to any health care not prohibited by law:

- (a) any parent, whether an adult or a minor, for his minor child;
- (b) any married person, for a spouse;
- (c) any person temporarily standing in loco parentis, whether formally serving or not, for the minor under his care and any guardian for his ward;
- (d) any person 18 years of age or over for his or her parent who is unable by reason of age, physical or mental condition, to provide such consent;
- (e) any patient 18 years of age or over;
- (f) any female regardless of age or marital status, when given in connection with her pregnancy or childbirth;
- (g) in the absence of a parent, any adult for his minor brother or sister; and
- (h) in the absence of a parent, any grandparent for his minor grandchild.